

☐ Superior Court☐ Magistrate Court

CLAYTON COUNTY, GEORGIA

CASE NUMBER 2021CV00602

FOR CLERK'S USE ONLY:

Mailed copy to Pltf Atty / / 20

Plaintiff ☐

MARY HARRIS

VS.

WAL-MART STORES EAST, L.P.

Defendant ☐c/o its registered agent, The Corporation Company  
112 North Main Street, Cumming, Georgia 30040Address ☐

Attorney or Plaintiff's Name &amp; Address

Michael D. Hoffer, Hoffer &amp; Webb, LLC

3190 Northeast Expressway, Suite 430

Chamblee, Georgia 30341

Garnishee ☐Address ☐Designate Party to be served by placing a check in  
box above.**SHERIFF'S ENTRY OF SERVICE**PERSONAL ☐I have this day served the defendant ..... personally with a copy  
of the within action and summons, Complaint, Plaintiff's Discovery Requests to Defendant and Notice of Leave of Absence.NOTORIOUS ☐I have this day served the defendant ..... by leaving  
a copy of the action and summons at his most notorious place of abode in this County.

Delivered same into hands of ..... described as follows

age, about ..... years; weight, about ..... pounds; height, about ..... feet and ..... inches,  
domiciled at the residence of defendant, at ..... A.M. - P.M.CORPORATION ☒

Served the (defendant, Garnishee) ..... a corporation

by leaving a copy of the within action and summons with .....  
in charge of the office and place of doing business of said Corporation in this County, at ..... A.M. - P.M.TACK & MAIL ☐I have this day served the above affidavit and summons on the defendant(s) by posting a copy of the same to  
the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true  
copy of same in the United States Mail, First Class, in an envelope properly addressed to the defendant(s) at  
the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s)  
to answer said summons at the place stated in the summons.NON EST ☐Diligent search made and defendant .....  
not to be found in the jurisdiction of this Court.The defendant is required to answer no later than ..... , 20..... ,  
at the place stated in the summons.

This ..... day of ..... , 20.....

WHITE: Clerk CANARY: Defendant

DEPUTY SHERIFF, CLAYTON COUNTY.

EXHIBIT A:  
STATE  
COURT  
PLEADINGS

*Tiki Brown*  
 Tiki Brown  
 Clerk of State Court  
 Clayton County, Georgia  
 Deanna Riggins

**IN THE STATE COURT OF CLAYTON COUNTY, GEORGIA**

9151 TARA BOULEVARD, ROOM 1CL181, JONESBORO, GEORGIA 30236

TELEPHONE: (770) 477-3388 \* FACSIMILE: (770) 472-8159

MARY HARRIS

Plaintiff Vs.

2021CV00602

Case Number

WAL-MART STORES EAST, L.P.

Defendant

**SUMMONS**

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned and required to file with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

Michael D. Hoffer, Esq. Hoffer & Webb, LLC 3190 Northeast Expressway Suite 430 Chamblee, Georgia 30341
--

answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

**TIKI BROWN**  
**CLERK OF COURT**  
 State Court of Clayton County

By: DeAnna Riggins  
 Deputy Clerk

## General Civil and Domestic Relations Case Filing Information Form

*Tiki Brown*  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Deanna Riggins

☐ Superior or ☒ State Court of CLAYTON County

## For Clerk Use Only

Date Filed 3/17/2021  
MM-DD-YYYY

Case Number 2021CV00602

Plaintiff(s)  
**HARRIS, MARY**

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney Michael D. Hoffer

Defendant(s)  
**WAL-MART STORES EAST, L.P.**

Last	First	Middle I.	Suffix	Prefix

Bar Number 359493 Self-Represented ☐

## Check One Case Type in One Box

## General Civil Cases

- ☐ Automobile Tort  
☐ Civil Appeal  
☐ Contract  
☐ Garnishment  
☒ General Tort  
☐ Habeas Corpus  
☐ Injunction/Mandamus/Other Writ  
☐ Landlord/Tenant  
☐ Medical Malpractice Tort  
☐ Product Liability Tort  
☐ Real Property  
☐ Restraining Petition  
☐ Other General Civil

## Domestic Relations Cases

- ☐ Adoption  
☐ Dissolution/Divorce/Separate Maintenance  
☐ Family Violence Petition  
☐ Paternity/Legitimation  
☐ Support - IV-D  
☐ Support - Private (non-IV-D)  
☐ Other Domestic Relations

## Post-Judgment - Check One Case Type

- ☐ Contempt  
☐ Non-payment of child support, medical support, or alimony  
☐ Modification  
☐ Other/Administrative

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.
- ☐ Is an interpreter needed in this case? If so, provide the language(s) required. Language(s) Required
- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

*Tiki Brown*  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Deanna Riggs

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

MARY HARRIS,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE NO.
v.	)	
	)	2021CV00602
WAL-MART STORES EAST, L.P.,	)	
	)	
	)	JURY TRIAL DEMANDED
Defendant.	)	
	)	

**COMPLAINT FOR DAMAGES**

COMES NOW, MARY HARRIS, ("Harris" or "Plaintiff"), in this civil action, by and through her attorney, Hoffer & Webb, and files this Complaint for Damages against Defendant, by showing this Honorable Court as follows:

**PARTIES, JURISDICTION AND VENUE**

1.

Plaintiff is a resident of the State of Georgia.

2.

Defendant WAL-MART STORES EAST, L.P. ("Walmart" or "Defendant") is a Florida limited partnership with its principal office address at 709 SW 8<sup>th</sup> Street, Bentonville, AR 72716. Said corporation is subject to the jurisdiction and venue of this Court and may be served with a Summons and a copy of this Complaint by serving its registered agent, The Corporation Company (FL), 112 North Main Street, Cumming, Forsyth County, GA 30040.

3.

At all relevant times, Defendant Walmart operated Walmart Supercenter #5363, located at 11465 Tara Boulevard, Lovejoy, Clayton County, Georgia 30250.

4.

Defendant maintained an office and transacted business in Clayton County on March 31, 2019 and continues to do so.

5.

This Court has jurisdiction and venue over this action.

**BACKGROUND**

6.

On or about March 31, 2019, Plaintiff was an invited guest at Walmart Supercenter #5363, located at 11465 Tara Boulevard, Lovejoy, Clayton County, Georgia 30250.

7.

Plaintiff was a customer at Walmart when she slipped and fell over a hazardous condition, specifically, a puddle of slime on the floor in the toy department.

8.

Defendant is the owner, operator, and/or manager of Walmart and more specifically the owner, operator, and/or manager of the Walmart location in which Plaintiff slipped, fell, and was injured.

9.

Defendant had exclusive ownership, possession and control over the area where Plaintiff was injured at all times relevant to this litigation.

10.

Defendant created the hazardous condition upon which Plaintiff slipped, fell, and was injured. As such, Defendant had actual and/or constructive knowledge of this hazardous condition.

11.

Plaintiff was governing herself in a safe and prudent manner at all times, and the hazardous condition was not visible to her or a reasonable person.

12.

At the above date and location, Defendant was negligent by failing to exercise ordinary care in keeping these premises safe and by failing to maintain a safe environment, in violation of, among other things, O.C.G.A. § 51-3-1, so as to cause injury to Plaintiff.

13.

As a direct and proximate result of Defendant's negligence, Plaintiff suffered injuries to her body and has incurred medical bills in excess of \$39,000.00.

14.

As a direct and proximate result of Defendant's negligence, Defendant is found liable for and indebted to Plaintiff for her medical bills, pain and suffering, and future medical bills.

---

**COUNT 1**  
**PREMISES LIABILITY**

15.

Plaintiff realleges and incorporates the allegations contained in paragraphs 1 through 14 above.

16.

Plaintiff was an invitee on the premises at the time of the incident.

17.

Defendant as owner/occupier owed a nondelegable duty of reasonable care in keeping the premises safe for invitees such as Plaintiff.

18.

Defendant's premises were not safe, and instead included a dangerous condition, i.e., the puddle of slime on the floor.

19.

Defendant's staff, employees, agents, or representatives knew, or should have been aware, of this dangerous condition.

20.

Plaintiff had no knowledge of this condition.

22.

Defendant was negligent in failing to properly construct, inspect, and maintain the subject area to make sure that such a hazardous condition did not exist.

23.

Defendant's negligence was the proximate cause of Plaintiff's injuries.

---

**COUNT 2**  
**VICARIOUS LIABILITY**

24.

Plaintiff realleges and incorporates the allegations contained in paragraphs 1 through 23 above.

25.

At all times relevant to this action, the individuals responsible for inspecting, cleaning, and maintaining the area where Plaintiff slipped and fell were employed by and/or were agents of Defendant and were acting within the scope of their employment. They also were supervised, managed, and controlled by Defendant.

26.

Defendant was responsible for the conduct of these individuals under the doctrine of *respondeat superior*, agency or apparent agency.

WHEREFORE, Plaintiff prays that she has a trial on all issues and judgment against defendant as follows:

- (a) That Plaintiff recover the full value of past and future medical expenses and past and future lost wages in an amount to be proven at trial;
- (b) That Plaintiff recover for mental and physical pain and suffering and emotional distress in an amount to be determined by the enlightened conscience of the jury;
- (c) That Plaintiff recover such other and further relief as is just and proper;
- (d) That all issues be tried before a jury.

Respectfully submitted this 17<sup>th</sup> day of March, 2021.

HOFFER & WEBB, LLC



---

MICHAEL D. HOFFER

Georgia Bar No. 359493

*Counsel for Plaintiff*

3190 Northeast Expressway, Suite 430  
Chamblee, Georgia 30341  
404-260-6330 Main  
404-260-6191 Direct / Fax  
[mhoffer@hofferwebb.com](mailto:mhoffer@hofferwebb.com)



*Tiki Brown*  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Deanna Riggs

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

MARY HARRIS,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE NO.
v.	)	
	)	2021CV00602
WAL-MART STORES EAST, L.P.,	)	
	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANT**

COMES NOW, MARY HARRIS ("Plaintiff"), as the Plaintiff in this action, and by and through her counsel, and pursuant to O.C.G.A. § 9-11-33, serves her First Interrogatories upon the Defendant.

**INSTRUCTIONS**

When used in these Interrogatories, the term "Defendant", or any synonym thereof, including the pronoun "you," "your," and "yours" is intended to, and shall embrace and include, WAL-MART STORES EAST, L.P., counsel for Defendant, and all agents, servants, employees, representatives, owners, directors, officers, independent contractors, private investigators and others who are in possession of, or who may have obtained, information for or on behalf of Defendant.

Defendant is reminded that it is under a duty seasonably to supplement responses to these Interrogatories which are not complete when made. Defendant is further under a duty to seasonably supplement Defendant's responses with respect to any questions addressed to the identity and location of persons having knowledge of discoverable matters and to the identity of

each person expected to be called as an expert witness at trial, the subject matter on which the expert witness is expected to testify, and the substance of the expert witness' testimony.

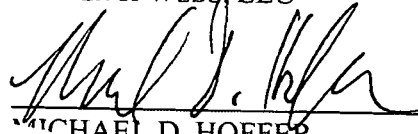
Defendant is required to seasonably amend a prior response if it obtains information upon the basis of which it learns that the response was incorrect when made or that the response, though correct when made, is no longer true and circumstances are such that a failure to amend the response is in substance a knowing concealment.

As used herein, the word "document" or "documents" shall include and embrace any written, printed, electronic, recorded or graphic matter, or other means of preserving or reproducing information, including, but not limited to, sound reproduction, video reproduction and computer stored information.

As used herein, the term "communication" shall include and embrace any method or manner of exchanging or transmitting information

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HOFFER & WEBB, LLC

A handwritten signature in black ink, appearing to read "Michael D. Hoffer", is written over a horizontal line.

MICHAEL D. HOFFER

259493

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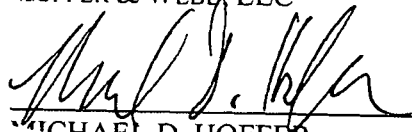
*Liki Brown*

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\_\_\_\_\_  
\_\_\_\_\_

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HOFFER & WEBB, LLC

A handwritten signature in black ink, appearing to read "Michael D. Hoffer", is written over a horizontal line.

MICHAEL D. HOFFER

259493

---


*Liki Brown*



HOFFER & WEBB, LLC

A handwritten signature in black ink, appearing to read 'Mark J. Hoffer', written over a horizontal line.

OFFER

  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Deanna Riggins

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

MARY HARRIS,

Civil Action File No.  
2021CV00602

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

\_\_\_\_\_ /

ANSWER OF DEFENDANT

COMES NOW, Defendant WAL-MART STORES EAST, LP and makes this  
Answer to Plaintiff's Complaint as follows:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim against Defendant upon which relief  
can be granted.

SECOND DEFENSE

Plaintiff's alleged damages, if any, were directly and proximately caused by  
Plaintiff's own contributory negligence and failure to exercise ordinary care.

THIRD DEFENSE

Plaintiff was not in the exercise of ordinary care for her own safety in the  
premises, and by the exercise of ordinary care could have avoided any injury to  
herself; and on account thereof, Plaintiff is not entitled to recover from Defendant.

#### FOURTH DEFENSE

Defendant denies that it was negligent in any manner whatsoever or that any negligent act or omission on its part caused or contributed to any injury or damage alleged to have been sustained by Plaintiff.

#### FIFTH DEFENSE

Plaintiff assumed the risk of any hazard that was presented and is thereby barred from recovering against Defendant.

#### SIXTH DEFENSE

Defendant responds to the enumerated paragraphs of Plaintiff's Complaint as follows:

1.

Defendant lacks sufficient knowledge and information to either admit or deny the allegations contained in paragraph 1 of Plaintiff's Complaint.

2.

Defendant denies the allegations contained in paragraph 2 of the Plaintiff's Complaint.

3.

Defendant admits the allegations contained in paragraph 3 of the Plaintiff's Complaint.



4.

Defendant admits the allegations contained in paragraph 4 of the Plaintiff's Complaint at this time only.

5.

Defendant admits the allegations contained in paragraph 5 of the Plaintiff's Complaint at this time only.

6.

Defendant lacks sufficient information to either admit or deny the allegations contained in paragraph 6 of the Plaintiff's Complaint.

7.

Defendant denies the allegations contained in paragraph 7 of the Plaintiff's Complaint.

8.

Defendant denies the allegations contained in paragraph 8 of the Plaintiff's Complaint, as stated.

9.

Defendant denies the allegations contained in paragraph 9 of the Plaintiff's Complaint, and shows that "area" is vague. Defendant also shows that customers and vendors have access to the store.

10.

Defendant denies the allegations contained in paragraph 10 of the Plaintiff's Complaint.

11.

Defendant denies the allegations contained in paragraph 11 of the Plaintiff's Complaint.

12.

Defendant denies the allegations contained in paragraph 12 of the Plaintiff's Complaint.

13.

Defendant denies the allegations contained in paragraph 13 of the Plaintiff's Complaint.

14.

Defendant denies the allegations contained in paragraph 14 of the Plaintiff's Complaint.

15.

Defendant realleges and incorporates the answers contained in paragraphs 1 through 14 above as if fully restated.

16.

Defendant lacks sufficient information to either admit or deny the allegations contained in paragraph 16 of the Plaintiff's Complaint, said allegations therefore stand denied as stated.

17.

Defendant denies the allegations contained in paragraph 17 of the Plaintiff's Complaint, as stated. The applicable statute and case law speak for themselves.

18.

Defendant denies the allegations contained in paragraph 18 of the Plaintiff's Complaint.

19.

Defendant denies the allegations contained in paragraph 19 of the Plaintiff's Complaint.

20.

Defendant denies the allegations contained in paragraph 20 of the Plaintiff's Complaint.

21.

Defendant denies the allegations contained in paragraph 21 of the Plaintiff's Complaint.

22.

Defendant denies the allegations contained in paragraph 22 of the Plaintiff's Complaint.

23.

Defendant denies the allegations contained in paragraph 23 of the Plaintiff's Complaint.

24.

Defendant realleges and incorporates herein the answers contained in paragraphs 1 through 23 above as if fully restated.

25.

Defendant denies the allegations contained in paragraph 25 of the Plaintiff's Complaint.

26.

Defendant denies the allegations contained in paragraph 26 of the Plaintiff's Complaint.

27.

All other allegations contained in the Complaint which are not specifically responded to herein, are, therefore, denied.

28.

Defendant denies Plaintiff's prayer for relief, including subparagraphs (a), (b), (c) and (d) thereof.

WHEREFORE, Defendant prays that Plaintiff's Complaint be dismissed with all costs cast upon the Plaintiff. DEFENDANT DEMANDS TRIAL BY A JURY OF TWELVE (12) PERSONS AS TO ALL ISSUES SO TRIABLE.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger  
Howard M. Lessinger  
Georgia Bar No. 447088

/s/ Jennie Rogers  
Jennie Rogers  
Georgia Bar No. 612725  
Attorneys for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 365-4514  
(404) 364-3138 (fax)  
hlessinger@mmatllaw.com

CERTIFICATE OF SERVICE


I hereby certify that a copy of the above and foregoing ANSWER OF DEFENDANT WAL-MART STORES EAST, LP has this day been filed and served upon opposing counsel via Odyssey eFileGA.

This the 30th day of March, 2021.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger  
Howard M. Lessinger  
Georgia Bar No. 447088  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 365-4514  
(404) 364-3138 (fax)  
hlessinger@mmatllaw.com

  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Deanna Riggs

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

MARY HARRIS,

Civil Action File No.  
2021CV00602

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

\_\_\_\_\_ /

**12-PERSON JURY DEMAND**

COMES NOW Defendant, WAL-MART STORES EAST, LP and demands a  
trial by a jury of twelve (12) persons.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger

Howard M. Lessinger

Georgia Bar No. 447088

Attorneys for Defendant

WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E.

Suite 500

Atlanta GA 30326

(404) 365-4514

(404) 364-3138 (fax)

hlessinger@mmatllegal.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing **12-PERSON JURY DEMAND** has this day been filed and served upon opposing counsel via Odyssey eFileGA.


This the 30th day of March, 2021.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger  
Howard M. Lessinger  
Georgia Bar No. 447088  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 365-4514  
(404) 364-3138 (fax)  
hlessinger@mmatllaw.com



  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Deanna Riggs

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

MARY HARRIS,

Civil Action File No.  
2021CV00602

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

\_\_\_\_\_ /

**CERTIFICATE REGARDING DISCOVERY**

Pursuant to Uniform State Court Rule 5.2, as amended, the undersigned hereby certifies that the following discovery has been served upon all persons identified in the Certificate of Service attached hereto and incorporated herein by reference:

- 1) REQUEST FOR ADMISSIONS
- 2) INTERROGATORIES AND REQUEST FOR PRODUCTION

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger

Howard M. Lessinger

Georgia Bar No. 447088

Attorneys for Defendant

WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E.

Suite 500

Atlanta GA 30326

(404) 365-4514

(404) 364-3138 (fax)

hlessinger@mmatllaw.com

CERTIFICATE OF SERVICE


I hereby certify that a copy of the above and foregoing CERTIFICATE REGARDING DISCOVERY has this day been filed and served upon opposing counsel via Odyssey eFileGA.

This the 30th day of March, 2021.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger  
Howard M. Lessinger  
Georgia Bar No. 447088  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 365-4514  
(404) 364-3138 (fax)  
hlessinger@mmatllaw.com

  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Deanna Riggins

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

MARY HARRIS,

Civil Action File No.  
2021CV00602

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

\_\_\_\_\_ /

NOTICE OF TAKING DEPOSITION

YOU ARE HEREBY notified that beginning on the 29th day of June, 2021, commencing at 11:00 a.m., at the offices of Hoffer & Webb, LLC, 3190 NE Expressway, Suite 430, Chamblee, GA, the deposition will be taken of Mary Harris. Said deposition will be taken for purposes of discovery and all other purposes provided by law before an officer duly authorized to administer oaths. The deposition shall continue from day-to-day until completion. This deposition may also be videotaped by a videographer.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger  
Howard M. Lessinger  
Georgia Bar No. 447088  
Attorneys for Defendant

3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 365-4514  
(404) 364-3138 (fax)  
hlessinger@mmatllaw.com

CERTIFICATE OF SERVICE


I hereby certify that a copy of the above and foregoing NOTICE OF TAKING DEPOSITION has this day been filed and served upon opposing counsel via Odyssey eFileGA.

This the 30th day of March, 2021.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger  
Howard M. Lessinger  
Georgia Bar No. 447088  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 365-4514  
(404) 364-3138 (fax)  
hlessinger@mmatllegal.com

  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Quiyanna Thomas

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

MARY HARRIS,

Civil Action File No.  
2021CV00602

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

\_\_\_\_\_/

SECOND AMENDED NOTICE OF TAKING DEPOSITION

YOU ARE HEREBY notified that beginning on the 20th day of September, 2021, commencing at 10:00 a.m., via Zoom, the deposition will be taken of Mary Harris. Said deposition will be taken for purposes of discovery and all other purposes provided by law before an officer duly authorized to administer oaths. The deposition shall continue from day-to-day until completion. This deposition may also be videotaped by a videographer.

McLAIN & MERRITT, P.C.

/s/ Nicholas E. Deeb  
Nicholas E. Deeb  
Georgia Bar No. 117025  
Attorney for Defendant

3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 365-4514  
(404) 364-3138 (fax)  
ndeeb@mmatllaw.com

CERTIFICATE OF SERVICE


I hereby certify that a copy of the above and foregoing SECOND AMENDED NOTICE OF TAKING DEPOSITION has this day been filed and served upon opposing counsel via Odyssey eFileGA.

This the 17th day of September, 2021.

McLAIN & MERRITT, P.C.

/s/ Nicholas E. Deeb  
Nicholas E. Deeb  
Georgia Bar No. 117025  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 365-4514  
(404) 364-3138 (fax)  
ndeeb@mmatllaw.com

  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Latasha Currie

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

MARY HARRIS,

Civil Action File No.  
2021CV00602

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

\_\_\_\_\_ /

NOTICE OF TAKING DEPOSITION

YOU ARE HEREBY notified that beginning on the 22nd day of December, 2021, commencing at 11:00 a.m., by Zoom video conferencing, the deposition will be taken of Mary Harris. Said deposition will be taken for purposes of discovery and all other purposes provided by law before an officer duly authorized to administer oaths. The deposition shall continue from day-to-day until completion.

This deposition may also be videotaped by a videographer.

McLAIN & MERRITT, P.C.

/s/ Nicholas E. Deeb  
Nicholas E. Deeb  
Georgia Bar No. 117025  
Attorney for Defendant

3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 365-4535  
(404) 364-3138 (fax)  
ndeeb@mmlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing NOTICE OF TAKING DEPOSITION has this day been filed and served upon opposing counsel via Odyssey eFileGA.

This the 25th day of November, 2021.

McLAIN & MERRITT, P.C.

/s/ Nicholas E. Deeb  
Nicholas E. Deeb  
Georgia Bar No. 117025  
Attorney for Defendant

3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 365-4535  
(404) 364-3138 (fax)  
ndeeb@mmatllaw.com



  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Tashea Matthews

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

MARY HARRIS,

Civil Action File No.  
2021CV00602

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

\_\_\_\_\_ /

**CERTIFICATE REGARDING DISCOVERY**

Pursuant to Uniform State Court Rule 5.2, as amended, the undersigned hereby certifies that the following discovery has been served upon all persons identified in the Certificate of Service attached hereto and incorporated herein by reference:

**DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS TO NON-PARTIES:**

Piedmont Fayette Hospital - Attn: Medical records  
Piedmont Fayette Hospital - Attn: Billing records  
Piedmont Fayette Hospital - Attn: Radiology  
Southern Regional - Attn: Medical Records  
Southern Regional - Attn: Billing Records  
Southern Regional - Attn: Radiology  
Georgia Injury Centers - Mconough, GA  
Elite Radiology of Georgia  
Apex Healthcare and Rehab - Atlanta, GA  
Pain Consultants at Piedmont  
Proactive Rehab PT  
Georgia Injury Centers  
Apex Healthcare and Rehab - Morrow, GA  
Elite Radiology  
Onyx Imaging  
Regional Medical Group

Southmetro Chiropractic Center  
Resurgens Centralized  
Inner Harbour  
Bridge City Center for Youth  
Atlanta Harm Reduction Center  
Raven Counseling Service  
Georgia Community Support and Solutions  
Veterans Empowerment Organization  
Eagles Landing Pharmacy  
Hearts Pharmacy  
CVS Legal Department

McLAIN & MERRITT, P.C.

/s/ Nicholas E. Deeb  
Howard M. Lessinger  
Georgia Bar No. 447088  
Nicholas E. Deeb  
Georgia Bar No. 117025  
Attorneys for Defendant  
WAL-MART STORES EAST, LP

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(404) 364-3138 (fax)  
[hlessinger@mmatllaw.com](mailto:hlessinger@mmatllaw.com)  
[ndeeb@mmatllaw.com](mailto:ndeeb@mmatllaw.com)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing CERTIFICATE REGARDING DISCOVERY has this day been filed and served upon opposing counsel via Odyssey eFileGA.

This the 17th day of May, 2021.

McLAIN & MERRITT, P.C.

/s/ Nicholas E. Deeb  
Howard M. Lessinger  
Georgia Bar No. 447088  
Nicholas E. Deeb  
Georgia Bar No. 117025  
Attorneys for Defendant  
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[ndeeb@mmatl律.com](mailto:ndeeb@mmatl律.com)

*Tiki Brown*  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Tashea Matthews

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

MARY HARRIS,

Civil Action File No.  
2021CV00602

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

\_\_\_\_\_ /

**CONSENT ORDER EXTENDING DISCOVERY**

Having considered the request by Plaintiff and Defendant to extend discovery in this case, the Court hereby finds good cause to extend discovery.

Wherefore, discovery will extend through and including December 29, 2021.

SO ORDERED this 20th day of September, 2021.

  
\_\_\_\_\_  
Judge, State Court of Clayton County

Consented to by:

Hagen Rosskopf, LLC

/s/ Michael D. Hoffer  
(by express permission NED)

Michael D. Hoffer

Georgia Bar No.

Attorney for Plaintiff

Hoffer & Webb, LLC

3190 Northeast Expressway, Suite 430

Chamblee, GA 30341

(404) 260-6330

Email: mhoffer@hofferwebb.com

McLAIN & MERRITT, P.C.

/s/ Nicholas Deeb  
Howard M. Lessinger  
Georgia Bar No. 447088  
Nicholas E. Deeb  
Georgia Bar No. 117025  
3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 365-4535  
Attorneys for Defendant

**IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA**

MARY HARRIS,

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

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CIVIL ACTION NO.  
2021 CV 00602-LH

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this day served a copy of the order dated September 20, 2021 on the parties through the Georgia Odyssey e-filing system:

This 20th day of September, 2021.

Michael D. Brazeal,  
Staff Attorney for Judge Tammi Long Hayward  
State Court of Clayton County

*Tiki Brown*  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Janice Miller

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

MARY HARRIS,

Civil Action File No.  
2021CV00602

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

\_\_\_\_\_ /

**CONSENT ORDER EXTENDING DISCOVERY**

Having considered the request by Plaintiff and Defendant to extend discovery in this case, the Court hereby finds good cause to extend discovery.

Wherefore, discovery will extend through and including March 27, 2022.

SO ORDERED this 14<sup>th</sup> day of December, 2021.

  
\_\_\_\_\_  
Judge, State Court of Clayton County

Consented to by:

Hagen Rosskopf, LLC

/s/ Michael D. Hoffer  
(by express permission NED)

Michael D. Hoffer

Georgia Bar No.

Attorney for Plaintiff

Hoffer & Webb, LLC

3190 Northeast Expressway, Suite 430

Chamblee, GA 30341

(404) 260-6330

Email: mhoffer@hofferwebb.com

McLAIN & MERRITT, P.C.

/s/ Nicholas Deeb  
Howard M. Lessinger  
Georgia Bar No. 447088  
Nicholas E. Deeb  
Georgia Bar No. 117025  
3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 365-4535  
Attorneys for Defendant



**IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA**

MARY HARRIS,

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

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CIVIL ACTION NO.  
2021 CV 00602-LH

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this day served a copy of the order dated December 14, 2021 on the parties through the Georgia Odyssey e-filing system:

This 14th day of December, 2021.

Michael D. Brazeal,  
Staff Attorney for Judge Tammi Long Hayward  
State Court of Clayton County



*Tiki Brown*  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Deanna Riggins

March 17, 2021

TO: All Judges, Clerks of Courts, and Counsel of Record  
FROM: Michael D. Hoffer  
RE: Notice of Leave of Absence  
2021CV00602

COMES NOW, Michael D. Hoffer, and respectfully notifies all Judges before whom he has cases pending, all affected Clerks of Court and all opposing counsel, that he will be on leave pursuant to Georgia Uniform Court Rule 16.

The period of leave during which time Applicant will be away from the practice of law is:

- June 3, 2021;
- June 4, 2021;
- June 7, 2021 through and including June 11, 2021;
- June 14, 2021 through and including June 18, 2021;
- June 21, 2021 through and including June 25, 2021;
- November 16, 2021;
- November 22, 2021 through and including November 24, 2021;
- December 23, 2021;
- December 24, 2021; and
- December 27, 2021 through and including December 31, 2021.

Applicant requests that this Leave of Absence apply to all trials, hearings, depositions, and other legal proceedings that might be scheduled in any of the cases referenced in "Exhibit A."

All affected Judges and opposing counsel shall have ten (10) days from the date of this Notice to object to it. If no objections are filed, the Leave of Absence shall be granted.

HOFFER & WEBB, LLC

MICHAEL D. HOFFER  
Georgia Bar No. 359493  
*Counsel for Plaintiff*

3190 Northeast Expressway, Suite 430  
Chamblee, Georgia 30341  
404-260-6330 Main  
404-260-6191 Direct / Fax  
[mhoffer@hofferwebb.com](mailto:mhoffer@hofferwebb.com)

## **EXHIBIT A**

### **CASE**

Mary Harris,  
v.  
Wal-Mart Stores East,  
L.P.

CAFN: TBD

### **COURT/JUDGE**

The Honorable Judge  
State Court of Clayton County  
9151 Tara Boulevard  
Jonesboro, Georgia 30236

### **OPPOSING PARTY**

Wal-Mart Stores East, L.P.  
c/o Registered Agent,  
The Corporation Company  
112 North Main Street  
Cumming, GA 30040

*Tiki Brown*  
Tiki Brown  
Clerk of State Court  
Clayton County, Georgia  
Shalonda Green

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

MARY HARRIS,	:	
	:	
Plaintiff,	:	CIVIL ACTION FILE
	:	
vs.	:	NO.: 2021CV00602
	:	
WAL-MART STORES EAST, LP,	:	
	:	
Defendant.	:	

**NOTICE OF LEAVE OF ABSENCE**

COMES NOW, NICHOLAS E. DEEB, of the law firm of McLain & Merritt, P.C., and counsel for Defendant, and, pursuant to Georgia Uniform Court Rule 16, hereby notifies the Court and opposing parties that he will be on a leave of absence from March 14, 2022 through and including March 18, 2022, July 1, 2022, and July 5, 2022. The purpose of the leave is personal (wife's planned c-section and planned vacation). All affected judges and opposing counsel shall have ten (10) days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted.

Respectfully submitted, this 14<sup>th</sup> day of February, 2022.

3445 Peachtree Road  
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Atlanta, GA 30326  
(404) 266-9171  
ndeeb@mclain-merritt.com

McLAIN & MERRITT, P.C.

/s/ Nicholas E. Deeb  
Nicholas E. Deeb  
Georgia Bar No. 117025  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing **NOTICE OF LEAVE OF ABSENCE** has this day been served upon opposing counsel via Odyssey E-File.

This the 14<sup>th</sup> day of February, 2022.

McLAIN & MERRITT, P.C.

/s/ Nicholas E. Deeb

Nicholas E. Deeb

Georgia Bar No. 117025

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ndeeb@mclain-merritt.com